

## **REMARKS**

### **Claim Amendments**

Applicants have amended claims 22 and 31. Claims 22, 24-31, 33-39, 41, and 42 remain pending and under examination. These amendments are fully supported by the specification.

Applicants respectfully traverse the rejection made in the Final Office Action mailed September 19, 2011 (“Final Office Action”), wherein the Examiner rejected claims 22, 24-31, 33-39, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Pub. No. 2002/0145982 (“Talpade”) in view of U.S. Patent Appl. Pub. No. 2004/0032857 (“Tannan”).

### **Rejection under 35 U.S.C. § 103(a)**

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 22, 24-31, 33-39, 41, and 42 under 35 U.S.C. § 103(a) for at least the reason that the references, whether viewed separately or in combination, fail to disclose or suggest each and every element recited in the claims.

The Final Office Action rejected independent claim 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Talpade in view of Tannan. *See* Final Office Action, p. 4. Claim 22, as amended, recites a method comprising, *inter alia*:

selectively **associating**, using the computer, **each** of the **plurality of simulated network users with a** respective **quality of service profile**, of the plurality of quality of service profiles, **wherein the associated quality of service profiles describe quality requirements of objects associated with the simulated network users**. (Emphases added.)

Talpade and Tannan, taken alone or in combination, fail to disclose or suggest at least these claim features.

Talpade relates to “a method and system for facilitating provisioning of networks to support different classes of traffic.” Talpade, ¶ [0002]. In Talpade, the “ISP [internet service provider] administrator may provide the identified classes of traffic, source models and QoS

[quality of service] criteria, along with information about the topology of network 100, to the simulator 160 using input device 155.” Talpade, ¶ [0024]. Additionally, Talpade, at ¶¶ [0023]-[0024], reveals that an application can be mapped to a traffic class, which has its own respective QoS criteria, and that each traffic class can support one or more applications. Thus, in Talpade the “QoS criteria” may be indirectly associated with an “application.” In contrast, claim 22 recites “selectively **associating ... each of the plurality of simulated network users with a** respective **quality of service profile...**” (emphases added).

Moreover, as noted above, Talpade discloses that the “QoS criteria” can be mapped to a “traffic class.” Talpade teaches that “QoS criteria” can be “a certain level of packet loss and/or one-way time delay that may be tolerated by the class of traffic ... packet jitter[,] and loss distribution.” Talpade, ¶ [0023]. But, nowhere does Talpade disclose or suggest that the “QoS criteria” “...describe quality requirements of **objects associated with the simulated network users**,” as recited in claim 22. (Emphasis added).

Tannan fails to cure the deficiencies of Talpade, because Tannan also fails to teach or suggest at least the claimed “selectively associating, using the computer, each of the plurality of simulated network users with a respective quality of service profile, of the plurality of quality of service profiles, wherein the associated quality of service profiles describe quality requirements of objects associated with the simulated network users,” as recited in claim 22, and similarly in claim 31.

Instead, Tannan discloses “[m]ethods, apparatus, and systems ... to simulate a network carrying a heterogeneous mix of traffic in order to assess the performance of the network.” Tannan, Abstract. Specifically, Tannan’s methods concern simulating a network carrying both packet and switch-based traffic. See Tannan, ¶ [0006]. Like Talpade’s simulation parameters, Tannan’s parameters do not consider a QoS associated with a simulated network user, and

specifically “...associated quality of service profiles describ[ing] quality requirements of objects associated with the simulated network users,” as recited in claim 22. Instead, as discussed in the prior Amendment, Tannan’s simulation parameters include, for example, the location of the cell, transmitter height, total number of base station channels, and the total number of channels reserved for packet-switched traffic. See Tannan, ¶¶ [0026]-[0027]. Thus, *Tannan* does not cure the deficiencies of *Talpade*.

Talpade and Tannan, whether viewed separately or in combination, fail to disclose or suggest each and every element recited in claim 24. Thus, the Final Office Action has not properly ascertained the differences between the cited references and independent claim 22. Independent claim 22 is therefore nonobvious and should be allowable. Independent claim 31, although different in scope, recites elements similar to those recited in independent claim 22, and is therefore allowable for at least the same reasons as claim 22. Dependent claims 24-30, 33-39, 41, and 42, should also be allowable at least by virtue of their dependence from one of base claims 22 and 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

### **Conclusion**

Applicants respectfully request reconsideration and withdrawal of the rejections. Pending claims 22, 24-31, 33-39, 41, and 42 are in condition for allowance, and Applicants request a favorable action.

The Final Office Action contains a number of statements reflecting characterizations of the cited references and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations.

If there are any remaining issues or misunderstandings, Applicants request that the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 18, 2012

By:

A handwritten signature in dark ink, appearing to read 'Charles Cathey', written over a horizontal line.

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